

1 JOHN S. LEONARDO
United States Attorney
2 District of Arizona

3 FREDERICK A. BATTISTA
Maryland State Bar Member
PETER S. SEXTON
4 Arizona State Bar No. 011089
JAMES R. KNAPP
5 Arizona State Bar No. 021166
Assistant U.S. Attorneys
Two Renaissance Square
6 40 North First Avenue, Suite 1200
Phoenix, Arizona 85004
7 Telephone: (602) 514-7500
Fred.Battista@usdoj.gov
8 Peter.Sexton@usdoj.gov
James.Knapp2@usdoj.gov

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF ARIZONA

14 United States of America,
15 Plaintiff,

16 v.

17 Daniel David Rigmaiden,
18 Defendant.

CR-08-814-001-PHX-DGC

**MOTION FOR ENLARGEMENT OF
TIME**

19
20 The United States, by and through its attorneys undersigned, respectfully requests this
21 Court enter an order enlarging the time for the government to complete its responses to
22 defendant Daniel David Rigmaiden's following motions: (1) Motion to Dismiss for (1)
23 Government's Prejudicial Extrajudicial Press Comments Severe Enough to Impeach Claimed
24 Indifference of Jurors, and/or (2) Various Government Misconduct (Docket No. 1000); (2)
25 Supplement to Motion to Dismiss for (1) Government's Prejudicial Extrajudicial Press
26 Comments Severe Enough to Impeach Claimed Indifference of Jurors, and/or (2) Various
27 Government Misconduct (Docket No. 1005); (3) Motion to Dismiss Count 72, Unauthorized
28 Access of a Computer With Intent to Defraud, 18 U.S.C. § 1030(a)(4) for Failure to State an

1 Offense (Docket No. 1016); (4) Second Supplement to Motion to Suppress Re: Search and
2 Seizure of Digital Evidence Under N.D.Cal. Warrants (Docket No. 1032); (5) Motion for
3 Reconsideration of Portions of Court's Order at Dkt. #723 Re Discovery of Stingray and
4 Kingfish Evidence (Docket No. 1037); and (6) Motion for Evidentiary Hearing to Settle
5 Contested Issues of Fact Re; Motion of Motion to Suppress and Motion for Discovery (Docket
6 No. 1038), until Friday, July 19, 2013. The lead prosecutor in this case needs additional time
7 to work on the multiple responses to these voluminous materials and address other pending
8 matters in this case. In addition, the United States will file its response to defendant's Motion
9 for Reconsideration of Portions of Court's Order at Dkt. #1009 Re: Fourth Amendment
10 Suppression Issues (Docket No. 1030) and Amended Motion for Reconsideration of Portions of
11 Court's Order at Dkt. #1009 Re: Fourth Amendment Suppression Issues (Docket No. 1033) by
12 June 21, 2013. Finally, the parties will used this additional time in order to resolve pending
13 issues regarding the deletion of materials from devices seized from the defendant. Defendant
14 DANIEL DAVID RIGMAIDEN has no objection to this motion.

15 It is expected that excludable delay under 18 U.S.C. § 3161(h) may occur as a result of
16 this motion or an order based thereon.

17 Respectfully submitted this 18th day of June, 2013.

18
19 JOHN S. LEONARDO
United States Attorney
District of Arizona
20

21 S/Frederick A. Battista

22 FREDERICK A. BATTISTA
23 PETER S. SEXTON
JAMES R. KNAPP
Assistant U.S. Attorneys
24
25
26
27
28

CERTIFICATE OF SERVICE

Thereby certify that on June 18, 2013, I caused the attached document to be electronically transmitted to the Clerk's Office using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Philip Seplow
Shadow Counsel for Defendant Daniel David Rigmaiden

A copy of the attached document was also mailed to:

Daniel David Rigmaiden
Agency No. 10966111
CCA-CADC
PO Box 6300
Florence, AZ 85132

S/Frederick A. Battista

FREDERICK A. BATTISTA
Assistant U.S. Attorney